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DCI/ICS 86-4370
1 October 1986

MEMORANDUM FOR: Acting Director, Planning and Policy Staff

FROM:

[redacted]

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Deputy Director for Policy
Planning and Policy Staff

SUBJECT:

Point Paper on the National Aeronautics and
Space Council (NASC)

We have learned recently that Mr. Gates decided on Option 3. Discussions were held with Congressman Nelson and he has agreed to DCI inclusion as one of the members of the NASC. [redacted] in OCA has a copy of this paper and will continue to work the problem with Congress. We had also originally planned to send a copy of the paper to Mr. Gates, but since that appears to be unnecessary, [redacted] and I agreed that we will not do it. (FOUO)

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[redacted]

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Attachment:

Point Paper on NASC

[redacted]

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[redacted]

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~~SECRET~~

SUBJECT: Point Paper on the National Aeronautics and Space Council
(NASC)

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cover 30 September 1986)

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INTELLIGENCE COMMUNITY STAFF

30 September 1986

NOTE FOR:
Office of Congressional Affairs

FROM:
Acting Director, Planning and
Policy Staff

SUBJECT: Point Paper on NASC

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Attached, per our agreement, is a point
paper on the NASC issue. Please keep in mind
that the press of time has prevented me from
obtaining D/ICS concurrence on this paper.

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Attachment:
As Stated

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INFORMATION

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Point Paper on
The National Aeronautics and Space Council (NASC)

Issue: What is the appropriate DCI game plan with respect to the NASC bills pending in Congress?

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Background:

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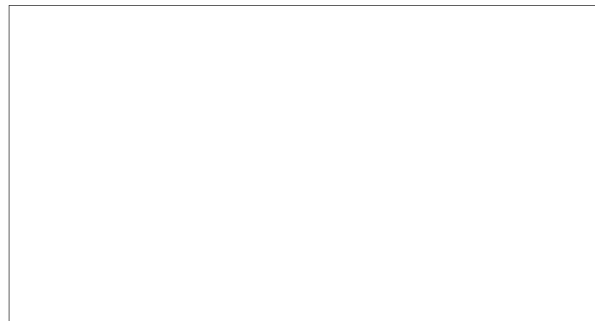
- NASC established in 1958 Space Act, abolished in 1973.
- Some members of Congress (e.g., Rep. Bill Nelson of Florida) have expressed dissatisfaction with the White House/SIG(Space) process that deliberated the Shuttle recovery program after the Challenger accident.
 - Criticized agencies, particularly lesser agencies such as DoT and DoC, for pressing parochial interests.
 - Cited the need for an organization with a knowledgeable technical staff.

Status of Proposed Legislation:

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- House NASA authorization bill (HR 5495, passed on 25 September 1986) calls for establishment of NASC (see Attachment A):
 - Located in Executive Office of President.
 - Vice President is Chairman; NASA Administrator is Vice Chairman.
 - Other voting members are Secretary of State, Secretary of Defense, and Chairman, Users' Advisory Group.
 - President may designate other advisory members.
 - Staff positions are authorized.

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- Function is to advise and assist the President with respect to the aeronautics and space field:
 - o Survey all significant activities including policies, plans, programs, and accomplishments.
 - o Develop a comprehensive program.
 - o Fix responsibility for (program) direction.
 - o Provide for effective cooperation.
 - o Resolve differences among departments and agencies.
- Senate version (S-2714) has not yet been voted on but is apparently very similar to House version (see Attachment B for earlier version). Differences are:
 - No Vice Chairman is specified. Staff is headed by civilian Executive Secretary.
 - Secretaries of Commerce and Transportation are added to the membership. No reference to either voting or additional advisory members.
 - Staff size is limited to seven.

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Status of Administration Actions:

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- Secretary of the Air Force Aldridge is leading the DoD efforts:
 - Informal discussions with members and staff have been held.
 - Legislative strategy is being coordinated.
 - o Draft strategy calls for extensive schedule of letters and meetings.
 - o Approach is to modify NASC so that it applies only to civil and commercial space activities. Failing that, DoD will propose that the position of Vice Chairman be deleted and that of Executive Secretary be established. DCI is to be represented on NASC.
 - o Letter endorsing this position from Secretary of Defense to key committee chairmen is being prepared for signature on 1 October. Senate vote is expected no earlier than 3 October.
- Admiral Poindexter has not been briefed on the issue.
 - Colonel May is ready to proceed as soon as DoD strategy is approved and implementation begins.
- CIA (Office of Congressional Affairs) is preparing to address the issue.
 - Gathering background data.
 - Conducting informal discussions with Intelligence Committee staff personnel.
- DDCI received summary briefing from Intelligence Community Staff on 30 September.

Options:

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1. Kill NASC legislation.
2. Restrict NASC legislation to civil/commercial only.

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3. Assure appropriate DCI representation on NASC.

- a. DCI a voting member.
- b. NASA Administrator not Vice Chairman.

Discussion:

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- Option 1 would be our preferred option. Strong Congressional support for NASC makes this option unlikely without major Administration effort.
- Option 2 is DoD's preferred approach. Congressional members and staff appear to be opposed. There are problems in areas of space transportation if NASC is civil only.
- Option 3 appears to be acceptable to at least the Senate and would provide a minimum level of DCI protection.

Recommendations:

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- DCI/DDCI to discuss the issue with Mr. Aldridge, agree on course of action, and provide guidance.
- CIA/OCA and ICS/PPS to continue data gathering and coordination with DoD pending receipt of guidance from DCI/DDCI.

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99TH CONGRESS
2D SESSION

H. R. 5495

To authorize appropriations to the National Aeronautics and Space Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1986

Mr. FUQUA (for himself, Mr. LUJAN, Mr. NELSON of Florida, Mr. WALKER, Mr. VOLKMER, Mr. BOEHLERT, Mr. RALPH M. HALL, Mr. PACKARD, Mr. MINETA, Mrs. MEYERS of Kansas, Mr. ANDREWS, Mr. REID, Mr. SMITH of New Hampshire, Mr. GORDON, Mr. BARTON of Texas, Mr. SLAUGHTER, Mr. MONSON, Mr. CHAPMAN, Mr. BROWN of California, and Mr. LEWIS of Florida) introduced the following bill; which was referred to the Committee on Science and Technology

A BILL

21 SEC. 109. Section 201 of the National Aeronautics and
22 Space Act of 1958 is amended to read as follows:

23 "SEC. 201. (a) There is hereby established, in the Exec-
24 utive Office of the President, the National Aeronautics and

1 Space Council (hereinafter referred to as the 'Council') which
2 shall be composed of the following voting members—

3 “(1) the Vice President, who shall be Chairman of
4 the Council;

5 “(2) the Administrator of the National Aeronau-
6 tics and Space Administration, who shall be Vice
7 Chairman of the Council;

8 “(3) the Secretary of State;

9 “(4) the Secretary of Defense;

10 “(5) the Chairman of the Users' Advisory Group
11 established by subsection (g).

12 “(b) The President may designate such other additional
13 advisory members of the council as he may determine.

14 “(c) The President shall from time to time designate one
15 of the members of the Council to preside over meetings of the
16 Council during the absence, disability, or unavailability of the
17 Chairman and Vice Chairman.

18 “(d) Each member of the Council may designate another
19 officer of his department or agency to serve on the Council as
20 ^{AN} ~~his~~ ^{AN} alternate in ~~his~~ unavoidable absence.

21 “(e) It shall be the function of the Council to advise and
22 assist the President, as he may request, with respect to the
23 performance of functions in the aeronautics and space field,
24 including the following functions:

determine including responsibilities of general offices having statutory scientific, operational, or regulatory responsibilities for space activities.

1 “(1) survey all significant aeronautical and space
2 activities, including the policies, plans, programs, and
3 accomplishments of the United States, including all de-
4 partments and agencies of the United States engaged
5 in such activities, and other nations;

6 “(2) develop a comprehensive program of aero-
7 nautical and space activities to be conducted by depart-
8 ments and agencies of the United States;

9 “(3) designate and fix responsibility for the direc-
10 tion of major aeronautical and space activities;

11 “(4) provide for effective cooperation among all
12 departments and agencies of the United States engaged
13 in aeronautical and space activities and specify, in any
14 case in which primary responsibility for any category
15 of aeronautical and space activities has been assigned
16 to any department or agency, which of those activities
17 may be carried on concurrently by other departments
18 or agencies; and

19 “(5) resolve differences arising among depart-
20 ments and agencies of the United States with respect
21 to aeronautical and space activities under this Act, in-
22 cluding differences as to whether a particular project is
23 an aeronautical and space activity.

24 “(f) The head of any Federal department or agency rep-
25 resented on the Council is authorized to transfer, on a non-

1 reimbursable basis, positions and related funds of such agency
2 to the Council to assist it in carrying out its duties under this
3 Act.

4 “(g)(1) The Council shall establish a Users’ Advisory
5 Group composed of non-Federal representatives of industries
6 and other persons involved in ^{aeronautical and} space activities.

7 “(2) The Vice President shall name a Chairman of the
8 Users’ Advisory Group who shall be a member of the
9 Council.

10 “(3) The Council shall from time to time, but no less
11 than once a year, meet with the Users’ Advisory Group.

12 “(4) The function of the Users’ Advisory Group is to
13 ensure that the interests of industries and other non-Federal
14 entities involved in space activities, including in particular
15 commercial entities, are adequately represented in the
16 Council.

17 “(5) The Users’ Advisory Group may be assisted by per-
18 sonnel detailed to the Council.

19 “(h) The Council and the Users’ Advisory Group shall
20 not be subject to section 14(a)(2) of the Federal Advisory
21 Committee Act.”.

22 SEC. 110. The Administrator shall—

23 (1) review the findings and recommendations of
24 the National Commission on Space (established pursu-
25 ant to the National Aeronautics and Space Administra-

SECTION 201 OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

1 Sec. 201. (a) There is established, in the Executive
2 Office of the President, the National Aeronautics and Space
3 Council (hereinafter called the "Council") which shall be
4 composed of--

5 (1) the Vice President, who shall be Chairman of
6 the Council;

7 (2) the Secretary of State;

8 (3) the Secretary of Defense;

9 (4) the Secretary of Commerce;

10 (5) the Secretary of Transportation; and

11 (6) the Administrator of the National Aeronautics

12 (7) The Director of Central Intelligence
and Space Administration.

13 (b) The President shall from time to time designate one
14 of the members of the Council to preside over meetings of
15 the Council during the absence, disability, or unavailability
16 of the Chairman.

17 (c) Each alternate member designated under subsection
18 (b) of this section shall be designated to serve as such by
19 and with the advice and consent of the Senate unless at the
20 time of such member's designation the member holds an office
21 in the Federal Government to which the member was appointed
22 by and with the advice and consent of the Senate.

23 (d) It shall be the function of the Council to advise
24 and assist the President, as the President may request, with

1 respect to the performance of functions in the aeronautics
2 and space field, including the following functions:

3 (1) survey all significant aeronautical and space
4 activities, including the policies, plans, programs, and
5 accomplishments of the United States, including all
6 departments and agencies of the United States engaged in
7 such activities, and other nations;

8 (2) develop a comprehensive program of aeronautical
9 and space activities to be conducted by departments and
10 agencies of the United States;

11 (3) designate and fix responsibility for the
12 direction of major aeronautical and space activities;

13 (4) provide for effective cooperation among all
14 departments and agencies of the United States engaged in
15 aeronautical and space activities and specify, in any
16 case in which primary responsibility for any category of
17 aeronautical and space activities has been assigned to
18 any department or agency, which of those activities may
19 be carried on concurrently by other departments or
20 agencies; and

21 (5) resolve differences arising among departments
22 and agencies of the United States with respect to
23 aeronautical and space activities under this Act,
24 including differences as to whether a particular project
25 is an aeronautical and space activity.

1 (e) The Council may employ a staff to be headed by a
2 civilian executive secretary who shall be appointed by the
3 President by and with the advice and consent of the Senate.
4 The executive secretary, subject to the direction of the
5 Council, is authorized to appoint and fix the compensation
6 of such personnel, including not more than seven persons, as
7 may be necessary to perform such duties as may be prescribed
8 by the Council in connection with the performance of its
9 functions. Each appointment under this subsection shall be
10 subject to the same security requirements as those
11 established for personnel of the National Aeronautics and
12 Space Administration appointed under section 203(c)(2) of
13 this Act. Other provisions of law or regulations relating
14 to Government employment shall apply to employees of the
15 Council reporting directly to the Chairman to the extent
16 that such provisions are applicable to employees in the
17 Office of the Vice President.